

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1591 of 1988

AND

SPECIAL CIVIL APPLICATION No 1593 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KANTIBHAI J KHARADI

Versus

STATE OF GUJARAT

Appearance:

MR JAYANT P BHATT for Petitioner
M/S PATEL ADVOCATES for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/07/2000

COMMON ORAL JUDGEMENT

Both the petitioners herein were appointed as part-time Class-IV employees. Thereafter they were given temporary appointment as Class-IV employees from time to time as and when their services were required. They were continued in service till 30.9.1987 and were not reappointed thereafter. The petitioners, therefore, filed the present petitions challenging the termination

of their services and praying for a writ to direct the respondent to absorb the petitioners on regular basis and to treat them as in continuous service.

2. Affidavit in reply is filed by H.M. Vaishnav, Under Secretary to the Government of Gujarat, Agriculture and Rural Development Department (in Special Civil Application No. 1591/88). It is pointed out therein that the petitioners' appointments on ad-hoc basis were for a limited period and that upon expiry of the period on 30.9.1987, the petitioners were not reappointed. It is further pointed out that the petitioners' names were not forwarded by the Employment Exchange or by the District Social Welfare Officer and that the posts on which the petitioners were appointed were not permanent nor were the petitioners appointed on any regular post, but the petitioner had only worked on part-time basis.

3. In view of the above, it is clear that the petitioners were never regularly appointed as Class-IV employees. The petitioners had no legal right to continue in service. Hence, non-continuance of their appointments after 30.9.1987 cannot be said to be illegal or arbitrary.

4. The petitions are, therefore, dismissed. Rule is discharged in each petition.

July 21, 2000 (M.S. Shah, J.)
sundar/-